

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Notice of Proposed Rulemaking)

Appropriate Regulatory Treatment for)
Broadband Access to the Internet Over)
Cable Facilities)

CS Docket No. 02-52

REPLY COMMENTS OF THE BOROUGH OF CLEARFIELD

These comments are filed by the Borough of Clearfield in support of the comments filed by the Alliance of Local Organizations against Preemption (the "Alliance"). Like the Alliance, the Borough of Clearfield believes that (a) local communities should be able to require cable operators to obtain additional authorizations to use and occupy public rights of way to provide cable services, and to enforce existing authorizations that have been granted for the service; (b) should be able to obtain fair and reasonable compensation for use and occupancy of the public rights of way to provide non-cable services; and (c) should be able to regulate cable companies in their provision of non-cable services, as provided under the Cable Act.

The Borough of Clearfield is one of the few communities, which was granted the ability to regulate the provision of cable services pursuant to previous proceedings before the Federal Communications Commission. At present, the Borough of Clearfield is currently negotiating with and has authorized legal action against the cable company as a result of improper rate increases imposed by the cable company in violation of the Clearfield Borough Cable TV Ordinance and the Clearfield Borough Franchise Agreement. One of the issues which is certainly involved in the dispute is the issue dealing with cable modems and whether compensation is required under the current Franchise Agreement. The Borough of Clearfield strongly agrees with the Alliance as to the issues currently before the Federal Communications Commission and is sending these comments in support of the position taken by the Alliance.

Respectfully Submitted,

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